

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MICHAEL D. BURNS,**

**Petitioner,**

**v.**

**Case No. 04-C-582**

**WARDEN DANIEL J. BENIK,**

**Respondent.**

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**ORDER DENYING REQUEST FOR CERTIFICATE OF APPEALABILITY  
AND MOTION FOR APPOINTMENT OF COUNSEL**

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On November 5, 2007, this court denied Michael D. Burns' ("Burns") petition for a writ of habeas corpus. On November 15, 2007, Burns filed a notice of appeal, a motion for appointment of counsel, and a request for an issuance of a certificate of appealability. On November 16, 2007 this court denied Burns' request for a certificate of appealability and denied his motion for appointment of counsel as moot. On December 4, 2007, this court denied Burns' request to have this court's order reviewed by a district judge. On December 6, 2007, this court received Burns' motion to proceed in forma pauperis on appeal, which he originally filed in the Court of Appeals. On December 7, 2007, this court granted Burns' motion to proceed in forma pauperis. On December 26, 2007, Burns filed a renewed motion for the appointment of counsel, which this court again denied on December 28, 2007.

On January 17, 2008, Burns has filed a renewed request for a certificate of appealability and a third request for the appointment of counsel on appeal. The court construes these motions as motions for reconsideration. Having reviewed this pleading, the court finds that Burns has failed to

demonstrate a basis for this court to reconsider its prior decisions in this case. Accordingly, Burns' request for a certificate of appealability and motion for the appointment of counsel is **denied**.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin this 18th day of January, 2008.

s/AARON E. GOODSTEIN  
U.S. Magistrate Judge